

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:09CR3019
	)	
V.	)	
	)	MEMORANDUM AND ORDER
CLARENCE D. HERGERT,	)	
	)	
Defendant.	)	

The defendant has moved to continue the pretrial motion deadline previously set for December 17, 2009. Filing No. [21](#). The government has provided voluminous Rule 16 discovery to defense counsel regarding manufacturer formulas, the price of grain ingredients, and inventory values, and needs additional time to review and analyze this discovery, confer with his client, and determine if pretrial motions should be filed. Counsel for the government does not oppose the defendant's motion. The court finds the defendant's motion should be granted.

IT IS ORDERED:

- 1) Defendant's unopposed motion to continue, (filing no. [21](#)), is granted and defendant's pretrial motions and briefs shall be filed on or before March 17, 2010.
- 2) As previously determined, (see filing no. [9](#), ¶ 6), this case is "unusual and complex;" it would be unreasonable for the court to require counsel and the parties to be ready for trial within the time restrictions of the Speedy Trial Act; and therefore this case is exempted from the time restrictions of that Act. See 18 U.S.C. 3161(h)(7)(B)(ii)

December 1, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge